

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.13855/1998

Sri K.S.Chandrashekar,
Proprietor,
Gudugallale Village,
Kodlipet Post,
Shanivarasanthe,
Somwarpet Taluk,
Kodagu District. .. Petitioner

(By Miss A.R.Sharadamba,
Advocate)

Vs.

The District Magistrate,
Kodagu District,
Kodagu. .. Respondent

(By Sri N.P.Singri,
Government Pleader)

Writ Petition filed under Articles 226 and 227 of the Constitution of India with an affidavit praying for the quashing of the endorsement dated 30-3-1998 issued by the respondent vide Annexure-H, etc.

This petition coming on for preliminary hearing before Court this day, the Court made the following:

O R D E R

Though this petition is posted for preliminary hearing, with the consent of learned Counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.



2. In this petition, the petitioner has called in question the correctness of the endorsement dated 30th of March 1998, a copy of which has been produced as Annexure-H, issued by the respondent rejecting the petitioner's application for grant of licence to run a touring cinema.

3. Miss Sharadamba, learned Counsel appearing for the petitioner, submitted that the request made by the petitioner for grant of touring cinema licence has been rejected by the respondent on the sole ground that this Court, in Writ Petition No.1406/1998 disposed of on 2nd of March 1998, directed the respondent not to issue any touring cinema licence. Elaborating this submission, the learned Counsel pointed out that this Court directed the respondent not to grant or renew any touring cinema licence for exhibition of cinematographic shows in Survey No.60; and the order passed by this Court does not prohibit running of a touring cinema in Survey Nos.66/2 and 67/2 of Gudugallale village.



390

4. Sri Singri, learned Government Pleader, tried to support the impugned endorsement.

5. As rightly pointed out by the learned Counsel for the petitioner, the order passed by this Court only directs the respondent not to entertain any application either by the petitioner in the said writ petition or by any other person including the owner of the land bearing Survey No.60 of Gudugallale village, either for fresh touring cinema licence or for renewal of touring cinema licence for locating a touring cinema on the said land. The order passed by this Court, in my view, does not impose any restriction on exercise of the power by the respondent to entertain the application for establishing a touring cinema theatre in any land other than the land in Survey No.60 of Gudugallale village. However, having regard to the Regulation governing touring cinema licence, whether an applicant is entitled for grant of a touring cinema licence, is a matter which requires to be considered by the respondent. The same having not been done by the

301

respondent and the impugned endorsement having been issued on a misconception that the order passed by this Court in Writ Petition No.1406/98 does not permit the respondent to entertain the application filed by the petitioner for grant of touring cinema licence, I am of the view that the impugned endorsement is liable to be quashed.

6. Accordingly, this petition is allowed and the impugned endorsement Annexure-H dated 30th of March 1998 is quashed. The respondent is directed to consider the petitioner's application for grant of touring cinema licence in accordance with law, as expeditiously as possible and at any event of the matter, not later than six weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to appear before the respondent on 8th of June 1998 at 11-00 a.m.

8. The Office is directed to send a copy of this order to the respondent within three days from today.

[Signature]

302

9. Sri Singri, learned Government Pleader,
is permitted to file his memo of appearance
within four weeks from today.

Sd/-
JUDGE



ANB.